IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6102 of 2004

Between:

Dr.Md.Aijazuddin Hamed, S/o Late Mohd.Sharfuddin,
Anwarul-uloom College, Mallepally, Hyderabad.

..... PETITIONER

AND

1 The Principal Secretary to Government, Department of Higher

Education, Govt.of A.P.
2 The Director of Collegiate Education, A.P. Hyderabad.
3 Anwarul-Uloom College, Rep.by its Correspondent,Mallepally,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 & 2 in not absorb the Petitioners un-Aided posts into Aided Posts is illegal, arbitrary and violative of Articles 14,16 of the Constitution of India and consequently direct the respondent 1 & 2 to absorb the petitioners posts of Un-Aided into Aided Posts Immediately

Counsel for the Petitioner: MR.S.GIRIMOJI RAO

Counsel for the Respondent No.1 & 2: GOVERNMENT PLEADER FOR EDUCATION

Counsel for the Respondent No.3: MR. B.NALINI KUMAR.

The Court made the following:

O R D E R:

The petitioner has been working as Lecturer in Urdu in the un-aided post since 08.08.1990 in the third respondent college. It is stated that the Selection Committee, as per the Rules to the un-aided post, selected him. While so, on 28.02.1997 one Dr.Mustafa Kamal, Lecturer in Urdu working in the aided post retired, as such the said post was open for admission to Grant-in-aid. The petitioner has filed representation to convert his post into the aided post and the 3rd respondent accordingly sent proposals on 27.03.2001 to the Commissioner of Collegiate Education, Hyderabad seeking approval for the appointment of the petitioner to the aided post of Lecturer in Urdu. The said proposals are still pending before the 2nd respondent. The petitioner has also filed a representation before the first respondent on 25.06.2003 to consider his case and to appoint him in the Grant-in-aid post, but the said representation has not been considered and disposed of so far.

2. Having regard to the facts and circumstances of the case, the respondents 1 and 2 are directed to consider the proposals sent by the third respondent on 27.3.2001 to the Commissioner, Collegiate Education, Hyderabad and also the representation of the petitioner dated 25.06.2003 filed before the first respondent and pass appropriate orders in accordance with law, within two months from the date of receipt of the copy of this order.

3. The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

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12.08.2004.

Note: Furnish C.C. in three days.

(B/o) gs/bss

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary to Government, Department of Higher

Education, Govt.of A.P.
2 The Director of Collegiate Education, A.P. Hyderabad.

3. 2CCs to G.P. for Education, High Court Buildings,

Hyderabad(OUT)

4. 2CD copies